

109TH CONGRESS
2D SESSION

H. R. 5256

To establish a statute of repose for civil actions filed against recreational vessel manufacturers.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2006

Mr. JONES of North Carolina introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish a statute of repose for civil actions filed against recreational vessel manufacturers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recreational Marine
5 Preservation Act of 2006.”

6 **SEC. 2. STATUTE OF REPOSE FOR CIVIL ACTIONS FILED**
7 **AGAINST RECREATIONAL VESSEL MANUFAC-**
8 **TURERS.**

9 (a) IN GENERAL.—Except as provided in subsection
10 (b), no civil action may be filed against the manufacturer

1 of a recreational vessel or the manufacturer of any associ-
2 ated equipment, in its capacity as manufacturer, for dam-
3 ages for death or personal injury or damage to property
4 arising out of an accident involving the recreational vessel,
5 if the accident occurred—

6 (1) more than 10 years after—

7 (A) the date of delivery of the vessel to its
8 first purchaser or lessee, if delivered directly
9 from the manufacturer; or

10 (B) the date of first delivery of the vessel
11 to a person engaged in the business of selling
12 or leasing such vessel; or

13 (2) with respect to any associated equipment
14 which replaced other associated equipment originally
15 in, or which was added to, the vessel, and which is
16 alleged to have caused such death, personal injury,
17 or damage to property, more than 10 years after the
18 date of completion of the replacement or addition.

19 (b) EXCEPTIONS.—Subsection (a) shall not apply—

20 (1) if the claimant pleads with specificity the
21 facts necessary to prove, and proves, that the manu-
22 facturer of a recreational vessel or associated equip-
23 ment—

24 (A) holds a certificate of compliance, or
25 has met the requisite obligations with respect to

1 the continuing seaworthiness, with respect to
2 such recreational vessel or associated equip-
3 ment; and

4 (B) knowingly misrepresented to the
5 United States Coast Guard, or concealed or
6 withheld from the United States Coast Guard,
7 required information that is material and rel-
8 evant to the performance or the maintenance or
9 operation of such vessel, or the associated
10 equipment, that is causally related to the harm
11 which the claimant allegedly suffered; or

12 (2) if the person with respect to whom the civil
13 action for damages for death or personal injury is
14 filed was a passenger on a recreational vessel for
15 purposes of receiving treatment for a medical or
16 other emergency;

17 (3) if the person with respect to whom the civil
18 action for damages for death or personal injury is
19 filed was not aboard the vessel at the time of the ac-
20 cident; or

21 (4) if the civil action is brought under a written
22 warranty enforceable under law but for the operation
23 of this Act.

24 (c) DEFINITIONS.—For purposes of this Act—

1 (1) ASSOCIATED EQUIPMENT.—The term “asso-
2 ciated equipment” means any system, part, or com-
3 ponent of a boat as originally manufactured or any
4 similar part or component manufactured or sold for
5 replacement, repair, or improvement of such system,
6 part, or component; any accessory or equipment for
7 or appurtenance to, a boat; and any marine safety
8 article, accessory, or equipment intended for use by
9 a person on board a boat; but excluding radio equip-
10 ment.

11 (2) CERTIFICATE OF COMPLIANCE.—The term
12 “certification of compliance” means any label affixed
13 by the manufacturer of a vessel or associated equip-
14 ment that indicates that the manufacturer has com-
15 plied with United States Coast Guard regulations
16 for safety.

17 (3) RECREATIONAL VESSEL.—The term “rec-
18 reational vessel” is as defined in section 2101(25) of
19 title 46, United States Code.

20 (d) RELATIONSHIP TO OTHER LAWS.—This section
21 supersedes any State law to the extent that such law per-
22 mits a civil action described in subsection (a) to be
23 brought after the applicable 10-year limitation period.

1 **SEC. 3. EFFECTIVE DATE; APPLICATION OF ACT.**

2 (a) EFFECTIVE DATE.—Except as provided in sub-
3 section (b), this Act shall take effect on the date of the
4 enactment of this Act.

5 (b) APPLICATION OF ACT.—This Act shall not apply
6 with respect to civil actions commenced before the date
7 of the enactment of this Act.

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